

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

) Confirmation No.: 1914
)
) Group Art Unit: 2826
)
Appellants: WATTS et al.) Examiner: Leonardo Andujar
)
Application Serial No.: 10/729,544) REPLY BRIEF
)
Filing Date: December 5, 2003) Attorney Docket No.: P17173
)
For: STACKED INTEGRATED CIRCUIT) PTO Customer Number 28062
PACKAGES AND METHODS OF) Buckley, Maschoff & Talwalkar LLC
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Mail Stop Appeal Brief - Patents
Commissioner for Patents
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Sir:

This paper is submitted in response to the Examiner's Answer herein, mailed March 21, 2007.

The Examiner asserts at pages 7-8 of his Answer that he has established a *prima facie* case of obviousness, and that it is therefore incumbent on the appellants to adduce evidence that the Examiner's interpretation of the claim term "ground plane" is unreasonable. However, this assertion is based on the false premise that the Examiner has in fact established a *prima facie* case of obviousness. The *Royka* case¹ holds that all claim limitations must be taught or suggested by the prior art to establish a *prima facie* case of obviousness. Therefore, part of the Examiner's burden in seeking to establish a *prima facie* case of obviousness was to show that the "ground plane" limitation was in the prior art. The Examiner has failed to do this, at least because the Examiner has failed to present any evidence that his essentially unbounded interpretation of "ground plane" is reasonable. Thus the Examiner has failed to show that the term "ground plane" can reasonably be interpreted to include the interconnection pad 6 shown in the Murayama reference. Accordingly, the Examiner has failed to show that the "ground plane" recited in claim 15 is present in the prior art. The Examiner's attempt to make a *prima facie* showing of obviousness has failed, and his rejection of the claims should be reversed.

Respectfully submitted,

May 17, 2007
Date

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¹ *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974), cited in appellants' Appeal Brief.